

Washington, D.C. 20505

78-1376/1

15 MAY 1978

Derek C. Bok, President
Harvard University
Cambridge, Massachusetts 02138

Dear President Bok:

I want to thank you for your letter of last December 5, which correctly identified the two points as to which our representatives were unable to reach agreement in their discussions of the Harvard guidelines. I have not replied sooner, wanting first to reconsider my own position and to take full account of the views that you expressed. While my reappraisal has not caused me to shift my ground, or to accept as internal CIA controls the two Harvard guideline policies that were the focus of the discussions between our staffs, I would like to explain to you my recent thinking on this subject.

What we are dealing with here, in one of its many forms, is the question of what restraints should be observed by CIA in the performance of its intelligence functions. It is natural that we should approach that question from our separate institutional perspectives, but I am confident that we share the same fundamental concerns. Like you, I am resolved to see that academic freedoms are not threatened by intelligence activities, just as I assume that you are resolved with me to see that our national capacity to carry out these activities is not undercut or unduly reduced. Whatever our differences, we surely are agreed that in the end the country cannot afford either an ineffective intelligence service or a crippling of its academic life through governmental interference or intrusion, and that therefore ways must be found to bring the interests at stake here into a proper balance so that both can be served.

Information about foreign events and trends is the raw material from which finished national intelligence is derived. Much of the necessary information is not openly available and therefore cannot be obtained by open or publicized methods. Some of what is needed is gathered by technical means. The rest, being a critically important part of the whole, is gathered from human sources. Information-gathering from human sources is a particular responsibility of CIA, but the Agency is not self-sufficient in this regard. At almost every turn it requires the support and assistance of others. That is true, to take but one example among many that could be chosen, when it comes to arranging access

or introductions to potential sources of information. If we are cut off from that base of support, or if it is too far narrowed, our effectiveness will be badly eroded or ended altogether. While in the present climate there is a certain clamor to add to the list of those with whom it is thought improper for CIA to maintain any confidential relationships, for the reasons stated I cannot accept such additional restraints in absence of a truly compelling justification.

The proposition you are asking me to adopt would rule out of bounds any confidential relationship with any academic for the purpose of conducting or aiding the intelligence activities specified in your letter. We are asked to forego all such relationships, and presumably to terminate any that exist, on the grounds that they are contrary to obligations that one assumes upon becoming a member, not just of the Harvard faculty or staff, but of the academic profession in general.

In support of your position, you argue that citizens "are frequently subject to limitations on their right to engage in certain activities because of professional obligations they have voluntarily entered into." As illustrations, you cite: a) the duty of confidentiality that a lawyer has to a client involved in litigation and the attendant restrictions this duty places on the lawyer's "right" as a citizen under the First Amendment to speak freely and publicly concerning his client's case; and b) the fact that a citizen's "right" to act as an FBI informant does not extend to a Senate intelligence committee staffer covertly providing the Bureau with information gained as a result of his position with the committee. While obviously I cannot quarrel with either your basic premise or with the illustrations themselves, I do think that our relationships with academics are wholly different in both principle and substance. Neither CIA nor the academics with whom it deals view the services rendered by them as a breach of professional ethics or otherwise underhanded or disloyal to the individual's primary employer. For instance, we do not ask a university official to provide us with a student's university biographical file or transcript without the latter's permission. Similarly, we do not seek (nor are we interested in) information from a professor on his institution's internal workings, activities, curriculum, etc. In short, countervailing considerations such as the fair administration of justice or a blatant conflict of interests, as exist in your examples, simply are not present in the nature and scope of the confidential relationships which academics have with this Agency. Rather, we consider these individuals to be acting wholly out of good faith and praiseworthy motives in lending their assistance to our endeavors, and we doubt that they in any way compromise the integrity of the academic profession or infringe upon their official responsibilities to their institution.

I want to emphasize that the views I am expressing do not merely reflect the "CIA's position," as your letter terms it; rather, our position is dictated not only by our perceptions of the national interest but also by the strongly-held beliefs of the academics with whom we deal. The initiatives leading to

these relationships may come either from the Agency or from the individual academics, but it is our policy to leave to the individual concerned, as a matter of choice or conscience, the decision whether to offer assistance in the performance of our functions. As has been pointed out in previous correspondence, these relationships are frequently kept confidential at the insistence of the individuals themselves, their concerns being that they might otherwise be exposed to harassment or other adverse consequences as a result of exercising their right to assist their Government.

It should not be inferred that CIA mindlessly ignores the status of the U. S. academic community as a discrete segment of our society, or that it follows no special procedures in its dealings with the institutions themselves and the employees thereof. On the contrary, we have recently adopted and rigorously adhere to an internal CIA Headquarters regulation which sets forth detailed, stringent restrictions on permissible relationships between CIA and academia. I am enclosing a copy of the actual text of this regulation for your information. Although I can fully recognize and understand the bases for Harvard's particular concerns, I nevertheless firmly believe that the standards set forth therein clearly evidence a reasonable and good faith effort by CIA to balance the principle of an independent academic world free from Government intrusion on the one hand with the needs of the nation and the rights of individual academics on the other. As it is, the restraints which we have already imposed on ourselves in this area have on occasion limited the capability of the intelligence community to perform the tasks it exists to perform. Nevertheless, CIA has chosen to formulate and operate under these limitations in the interests of and out of respect for the freedom and independence of the U. S. academic community. At the same time, it is our considered opinion that any further extension of the restrictions to effectively rule out the two types of activities in question is neither legally required nor is otherwise advisable in light of the potential obstacles which such action would pose to this Agency's ability to further avail itself of a willing, valuable resource to assist the Government in the performance of legitimate endeavors in furtherance of the nation's foreign policy objectives.

I fully recognize that the Harvard guidelines were established pursuant to a suggestion contained in the April 1976 report of the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities. Of course I do not question Harvard's basic right to promulgate internal procedures which place reasonable restraints on relationships between its employees and outside organizations in general. Nevertheless, I simply cannot lend my affirmative support to or consider this Agency bound by any set of procedures which, when read as a whole, singles out CIA, implies that any confidential association that an academic has with us is so inherently suspect as to require it to be publicly acknowledged and made "subject to scrutiny," as your letter puts it, and deprives academics of all freedom of choice in relation to involvement in intelligence activities.

On behalf of this Agency, I want to thank you, Mr. Steiner and the rest of your colleagues at Harvard for the considerate and responsible manner in which you have dealt with us on these difficult and complex issues.

Yours sincerely,

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Enclosure